

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.) CASE NO. 5:15-CR-50080
)
SHILO WATTS,)
)
Defendant.)

TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE TIMOTHY L. BROOKS
January 6, 2016; 10:17 a.m.
FAYETTEVILLE, ARKANSAS

FOR THE GOVERNMENT:

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Proceedings recorded in realtime via machine shorthand.

Dana Hayden, CCR, RMR, CRR
Federal Official Court Reporter
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1 THE COURT: The United States versus Shilo
2 Watts is the next --

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Good morning, sir.

5 THE DEFENDANT: Good morning.

6 THE COURT: -- is the next case to come before
7 the Court today. The case number is 5:15-CR-50080.
8 Dustin Roberts appears on behalf of the United States.
9 Joe Alfaro appears on behalf of Mr. Watts. The Court
10 would note the presence of Officer Trent Thompson from
11 probation who is present likely because he's going to be
12 assigned the presentence investigation in this case.

13 Mr. Watts, I understand that you wish to enter
14 a plea of guilty to Count One of the indictment that has
15 been brought against you. Count One is the count that
16 charges you with transporting a minor with intent to
17 engage in sexual activities in violation of Title 18
18 United States Code Section 2423(a) and (e). Is my
19 understanding correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Well, before I can accept your
22 guilty plea, sir, I need to satisfy myself as to a
23 number of different considerations. For example, I've
24 got to be sure that you're competent to enter a guilty
25 plea today, I've got to be sure that you've had proper

1 representation of counsel, I need to be sure that you
2 understand the charges that are pending against you and,
3 in particular, the charge that you're proposing to plead
4 guilty to, as well as the consequences in terms of the
5 statutory penalties that you would be facing.

6 I need to be sure that you understand your
7 constitutional rights in this matter, and ultimately
8 I've got to be sure that if you do enter a guilty plea
9 that you are doing so both knowingly and voluntarily.

10 So in order to satisfy myself as to all of
11 those considerations, I will need to engage you this
12 morning in a question-and-answer session. Your
13 responses will need to be under oath.

14 Before I place you under oath, I need to be
15 sure that you understand that should you give a false
16 response to one of my questions that that in and of
17 itself could potentially subject you to separate charges
18 for making false statements or perjury. Do you
19 understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: It is also my intent today to ask
22 you questions that you understand, or I guess the better
23 way to say that would be that you understand the
24 questions that you're answering; and if you do not
25 understand my question or you don't understand the point

1 or the right that you have that I'm trying to be sure
2 that you are aware of, just stop me literally and say,
3 "Judge, I don't understand that," or "Judge, could you
4 repeat or rephrase that," and I'd be more than happy to
5 do that. Is that agreeable?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Finally, Mr. Alfaro is your
8 attorney. If at any time during the Court's questioning
9 you'd like to visit with Mr. Alfaro, all you have to do
10 is let me know that and I'll be happy to let the two of
11 you confer. Is that agreeable as well?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. If you'd please stand
14 and raise your right hand.

15 (Whereupon, the defendant was duly sworn.)

16 THE COURT: All right, sir. Please state your
17 full name.

18 THE DEFENDANT: Shilo Joe Watts.

19 THE COURT: How old are you?

20 THE DEFENDANT: 40 years old.

21 THE COURT: Prior to being arrested, where did
22 you live?

23 THE DEFENDANT: Living overseas, sir.

24 THE COURT: Where?

25 THE DEFENDANT: In the Middle East, in the

1 country of Oman.

2 THE COURT: In the country of what?

3 THE DEFENDANT: Oman, O-m-a-n.

4 THE COURT: Oman?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: What were you doing there?

7 THE DEFENDANT: I was -- I had a private
8 business, and I was also doing some contract work.

9 THE COURT: What was the nature of your private
10 business?

11 THE DEFENDANT: It was a photography or a tour
12 guide business.

13 THE COURT: And what was the nature of your
14 contract work?

15 THE DEFENDANT: It was -- I was representing a
16 company to negotiate defense contracts with the
17 government of Oman.

18 THE COURT: Are you married?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you have any children?

21 THE DEFENDANT: No, sir.

22 THE COURT: How far did you go in school?

23 THE DEFENDANT: I have a technical trade
24 from -- at a college.

25 THE COURT: Well, let me start with this. From

1 where did you graduate high school?

2 THE DEFENDANT: Southwest High School, San
3 Antonio, Texas.

4 THE COURT: What year was that?

5 THE DEFENDANT: 1994.

6 THE COURT: And then where was the technical
7 trade school?

8 THE DEFENDANT: It was TEEX, Texas A&M.

9 THE COURT: T --

10 THE DEFENDANT: TEEX. It's a -- I don't know
11 what -- I can't remember what they all stand for.

12 THE COURT: All right. How many years did you
13 attend that program?

14 THE DEFENDANT: It was a six-month school.

15 THE COURT: And did that culminate in you
16 receiving some sort of certificate?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: In what area?

19 THE DEFENDANT: Excuse me. Unexploded ordnance
20 disposal.

21 THE COURT: Unexploded ordnance disposal?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: When did you obtain that
24 certificate?

25 THE DEFENDANT: 2012.

1 THE COURT: Subsequent to receiving that
2 certificate, did you ever work in the area of unexploded
3 ordnance disposal?

4 THE DEFENDANT: I'm sorry, sir. Prior to that?

5 THE COURT: No. After 2012 did you ever work
6 in that field?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Tell me about that.

9 THE DEFENDANT: I worked for a company called
10 Ordnance and Explosives Mediation, clearing an area of
11 suspected UX0, which is unexploded ordnance, from the
12 World War I era in order -- they were clearing that area
13 so a park could be built.

14 So we would have to go in with our tools to
15 search for the UX0, and if we found UX0, then we would
16 follow certain S.O.P.s and detonate the UX0 to render it
17 safe.

18 THE COURT: And where were you conducting these
19 searches?

20 THE DEFENDANT: That particular one was at Fort
21 Hood -- I'm sorry, not Fort Hood. Fort Sam Houston in
22 San Antonio, Texas.

23 THE COURT: All right. Do you consider
24 yourself to be in good physical health today?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you taking any prescription
2 medications?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: What do you take?

5 THE DEFENDANT: I'm taking Trazodone for PTSD.

6 THE COURT: Who prescribed that for you?

7 THE DEFENDANT: A doctor out of the Washington
8 County Detention Center.

9 THE COURT: Were you taking any medications for
10 PTSD prior to your arrest in this case?

11 THE DEFENDANT: Prior, prior to my arrest, no,
12 sir. But I've been incarcerated now going on 32 months,
13 and I've taken it in previous facilities.

14 THE COURT: In the last 24 hours, have you
15 consumed any drugs or medications other than Trazodone
16 or any other substances that would have the cause or
17 effect of rendering you unable to understand what we're
18 doing today?

19 THE DEFENDANT: No, sir, I have not.

20 THE COURT: And does the Trazodone cause you
21 any problems in understanding what we're doing today?

22 THE DEFENDANT: No, sir, it does not.

23 THE COURT: Have you ever been under the care
24 of a doctor for a mental health condition, and let me
25 qualify that initially by saying other than this PTSD

1 that you just explained to me?

2 THE DEFENDANT: No, sir, just -- just the PTSD.

3 THE COURT: All right. And that was -- that's
4 been diagnosed since you have been in custody the last
5 32 months?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you in fact understand that
8 the purpose of this hearing is for the Court to consider
9 your request to enter a guilty plea?

10 THE DEFENDANT: Yes, sir, I do.

11 THE COURT: Now, Mr. Alfaro has been your
12 attorney throughout the proceedings in this Court; is
13 that correct?

14 THE DEFENDANT: Yes, sir. Sorry.

15 THE COURT: Are you fully satisfied with
16 Mr. Alfaro's legal services and representation of you?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Has he answered any and all
19 questions that you may have had?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Well, Mr. Watts, let's start kind
22 of the substantive part of this by me explaining to you
23 that you do not have to plead guilty today. I realize
24 that the matter's been set for a change of plea hearing.
25 Everyone in the courtroom is anticipating that at the

1 end of the hearing, you're going to enter a plea of
2 guilty, but despite that, if you had second thoughts or
3 proverbial cold feet on your way over here today, I want
4 you to understand you don't have to go through with
5 that. You don't have to enter a guilty plea. Do you
6 understand that?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: And that's important that you
9 understand that for several reasons. First of all, if
10 you were to persist in a plea of not guilty, then you
11 have certain very important constitutional rights which
12 you will forgo and waive by virtue of entering a guilty
13 plea. So I want to be sure you understand these rights
14 that you would be waiving.

15 First of all, you have a right to a trial, and
16 more specifically, a right to a jury trial and to have a
17 jury determine whether or not you are guilty or not
18 guilty of the charges that have been brought against
19 you.

20 At a trial, you would have the right to see,
21 hear, and cross-examine any witnesses that the
22 government might call to testify against you.

23 Likewise, you would have use of the court's
24 subpoena power to compel the attendance of any witnesses
25 that you might like to call in your own defense.

1 At a jury trial, you would be presumed
2 innocent, and the government would be required and the
3 government would have the burden to prove each and every
4 element of each and every count, or charge, that has
5 been brought against you, and their burden of proof is
6 to establish each of those elements beyond a reasonable
7 doubt. And the jury would be so instructed; in fact,
8 the jury would be instructed that you don't have to
9 prove anything, that the presumption of innocence alone
10 is sufficient to return a not guilty verdict unless and
11 until the government has met its burden of proof.

12 Do you understand all of those rights so far?

13 THE DEFENDANT: Yes, sir, I do.

14 THE COURT: Also, at a trial you would have the
15 right to testify if you chose, but the government could
16 not make you testify, and only you ultimately could
17 decide whether or not you wanted to testify. And if you
18 elected not to testify, I would instruct the jury that
19 they are not to infer any guilt or anything adverse to
20 you by virtue of you exercising your Fifth Amendment
21 rights. Do you understand that as well?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that if you enter
24 a guilty plea, and if I accept your guilty plea, that
25 you would be waiving and forgoing all of these rights

1 that I've just explained to you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Obviously you understand that at a
4 trial, you would have the right to be represented by
5 counsel? Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. One more nuance I want
8 to be sure you understand is that if a jury were to find
9 you guilty that you would have the right to appeal, to
10 the United States Court of Appeals, their finding and
11 to, in effect, urge to the court of appeals that the
12 jury got it wrong and that you are, in fact, not guilty.

13 However, if you enter a guilty plea today and I
14 accept your guilty plea, that will mean that before
15 we're finished today, you will have had to have admitted
16 the facts that make you guilty under oath in open court.

17 So to the extent that you were able to pursue
18 an appeal, you could not contend on appeal that you were
19 not factually guilty. Do you understand the difference
20 in the two?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, I take it that you have
23 received a copy of the indictment that's been brought
24 against you; is that correct?

25 THE DEFENDANT: Yes, sir. Excuse me. Yes,

1 sir.

2 THE COURT: The indictment charges you with
3 five separate counts, three of which have to do with
4 transporting a minor with the intent to engage in sexual
5 activities.

6 Count 4 charges you with traveling with the
7 intent to engage in illicit sexual conduct with a minor,
8 and Count Five charges you with crossing a state line
9 with the intent to engage in a sexual act with a person
10 under 12 years old.

11 Now, those are the charges than pending against
12 you, but you are proposing to plead guilty to Count One,
13 and I want to be sure that you understand that that is
14 this charge of transporting a minor with intent to
15 engage in sexual activities. Is that your understanding
16 of what you're proposing to plead guilty to?

17 THE DEFENDANT: Yes, sir, it is.

18 THE COURT: And do you believe that you have
19 had a full and adequate opportunity to discuss the
20 nature of that charge and what the government would have
21 to establish in order to meet its burden of proof?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Has he answered any and all
24 questions that you may have had about that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And with the benefit of
2 Mr. Alfaro's explanation, do you understand the nature
3 of this charge that you're proposing to plead guilty to?

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: Likewise, have you had an
6 opportunity to discuss the potential penalties that you
7 would be facing if you were to plead guilty to Count
8 One?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And have you had a full opportunity
11 to ask Mr. Alfaro any questions about that?

12 THE DEFENDANT: Yes, sir, I have.

13 THE COURT: And has he answered all your
14 questions?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And with the benefit of his
17 explanation, do you understand -- believe that you
18 understand all of the potential consequences of entering
19 a guilty plea?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Mr. Alfaro, can you
22 confirm on the record that you've received a copy of the
23 indictment, that you have represented Mr. Watts in that
24 regard and explained to him the nature of these charges,
25 the potential consequences he would be facing, including

1 the charge and consequences of pleading guilty to Count
2 One of the indictment?

3 MR. ALFARO: I have, your Honor.

4 THE COURT: And have you answered any and all
5 questions that he may have had about that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: All right. Thank you.

8 Well, Mr. Watts, let me drill down a little bit
9 deeper on these statutory penalties that you would be
10 facing. If you plead guilty to Count One, you're going
11 to be looking at a maximum statutory term of
12 imprisonment of life, but there's also a mandatory
13 minimum term of imprisonment of ten years.

14 So that means that at the time of sentencing,
15 although this Court does have a certain amount of
16 discretion in determining what would be an appropriate
17 sentence for you, the floor that I can't go below is ten
18 years, and I have the authority and discretion to impose
19 a lawful sentence up to life in prison. Do you
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: In addition you'd be looking at a
23 maximum fine in the sum of \$250,000, as well as the
24 possibility of both imprisonment and a fine. And in
25 addition to that, you're looking at a term of supervised

1 release of not less than five years and up to life, and
2 that would -- period of time would begin after you were
3 released from incarceration.

4 You're also looking at a special assessment of
5 \$100 and any restitution that the Court may order. Do
6 you understand that all of those are potential
7 punishments that you're facing?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: With regard to supervised release,
10 to the extent that you are released from incarceration,
11 do you understand that supervised release would govern
12 the restrictions that you would be under and have to
13 comply with during any term of supervised release?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you understand that should
16 you be found to be in violation of any of those
17 restrictions that you're potentially looking at being
18 sent back for further incarceration as a consequence of
19 those violations?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Now, are you a United
22 States citizen?

23 THE DEFENDANT: Yes, sir, I am.

24 THE COURT: All right. Do you understand that
25 the charge that you're proposing to plead guilty to is a

1 felony?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that citizens of
4 this country who are convicted of felonies lose and
5 forfeit certain very valuable and important
6 constitutional and civic rights and privileges such as
7 the right to vote, the right to hold elective office,
8 and the right to bear arms?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Watts, has anyone forced you to
11 plead guilty?

12 THE DEFENDANT: No, sir.

13 THE COURT: Has anyone threatened you or a
14 family member or a loved one that something bad is going
15 to happen if you don't plead guilty?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have the parties entered into a
18 fully executed written plea agreement?

19 MR. ROBERTS: Yes, your Honor.

20 MR. ALFARO: Yes, your Honor.

21 THE COURT: All right. That has been handed to
22 me. I'd ask Mr. Alfaro to place a copy of the plea
23 agreement in front of Mr. Watts.

24 And Mr. Watts, I'd ask you to turn over to the
25 very last page, Page 13. Is that your signature under

1 the date of December 28th?

2 THE DEFENDANT: Yes, sir, it is.

3 THE COURT: Did you read this plea agreement in
4 its entirety before you signed it?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Did you confer with Mr. Alfaro
7 about the contents and meaning of the terms of this plea
8 agreement before you signed it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did he answer any and all questions
11 that you may have had?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Let me have you turn over to Page
14 10, Paragraph 21, under the heading of Concessions by
15 the Government, and I want to use this paragraph,
16 Mr. Watts, to illustrate a point that I want to be sure
17 you understand.

18 This paragraph is an example of one place in
19 the plea agreement where, in exchange for your guilty
20 plea, the government is agreeing to do certain things
21 and agreeing not to do certain other things.

22 For example, they are agreeing not to object to
23 you receiving acceptance of responsibility decreases in
24 your guideline calculation, and they're agreeing to make
25 a motion for an additional level of acceptance. And I

1 will certainly consider the government's position and
2 certainly will consider their recommendation, but I say
3 all that to try to make this point. Just because the
4 government has agreed to do something and just because
5 they are telling you they will make a recommendation to
6 the Court, that doesn't bind the Court. Do you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So in other words, despite anything
10 that is contained in this plea agreement, the Court has
11 the authority and the discretion to impose any lawful
12 punishment upon you up to the statutory maximums that we
13 reviewed a few minutes ago. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Has anyone made any particular
16 promise to you that you're going to receive any
17 particular sentence?

18 THE DEFENDANT: No, sir.

19 THE COURT: Has Mr. Alfaro discussed and
20 explained to you the United States sentencing guidelines
21 in terms of what they are and how they will be used in
22 your case?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: So do you understand that the Court
25 will be obligated to apply the guidelines to the facts

1 of your case, and the end product of applying the
2 guidelines is that the Court calculates a guideline
3 range for the punishment, at least according to the
4 sentencing commission the Court is advised would be
5 appropriate. Do you understand that I'm obligated to
6 both calculate the range and to take it into
7 consideration?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: But the main point here is even
10 though I have that obligation, the guideline range is
11 advisory, and I am under no obligation to give you a
12 so-called guideline range sentence. Do you understand
13 that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And that is true because the Court
16 is also obligated to look at many other factors. Those
17 factors are codified at Title 18 United States Code
18 Section 3553(a) and that's just where they're found in
19 the statute book, but sometimes for shorthand we refer
20 to them sometimes as the 3553(a) factors.

21 In addition to the guidelines, those include
22 such things as the Court's review of the nature and
23 circumstances of your offense; a look at your personal
24 history, background and characteristics; a need for the
25 Court to avoid any unwarranted disparities in the

1 sentences that it hands down to people who are similarly
2 situated in terms of their offenses of conviction and
3 their prior criminal history.

4 The Court is also obligated to ensure that all
5 of the statutory purposes of sentencing are taken into
6 consideration in arriving at the Court's ultimate
7 sentence in this case.

8 So I guess the point here, Mr. Watts, is that
9 after the Court takes into consideration all of the
10 3553(a) factors, your sentence ultimately could be less
11 than the guideline range, more severe than the guideline
12 range, or anywhere within the guideline range, provided
13 that the Court can't go below the ten-year minimum or
14 the lifetime maximum. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I also think it's appropriate for
17 me to explain to you what happens after today and before
18 the Court imposes sentence just so that you're aware of
19 that before you enter your plea. If you plead guilty
20 today and if I accept your guilty plea, then I'm going
21 to ask the Court's probation office, and likely Officer
22 Thompson specifically, to conduct a presentence
23 investigation.

24 Officer Thompson will acquire more information
25 about you and about the crimes that you've been charged

1 with from a variety of different sources. For example,
2 Officer Thompson will set up a time to meet with you and
3 will interview you and that is the conduit through which
4 I learn about information about you that I will, at
5 least in part, use in evaluating this 3553(a) factor
6 that goes to your personal history, background and
7 characteristics.

8 Officer Thompson will also collect information
9 from the government and that's how I will find out more
10 about the details of your offense of conviction, but I
11 want to be sure that you understand this: When Officer
12 Thompson meets with the government and gets information
13 about your case, the scope of that information will not
14 be limited to your acts that constitute your conviction
15 under Count One.

16 Officer Thompson will also collect information
17 and ultimately report to me your actions and your
18 conduct by which the government brought these other four
19 counts against you. And that information and your
20 actions will be made known to me, and I am permitted to
21 take that information into account in arriving at what
22 would be an appropriate sentence.

23 That extra information, if you will, is what is
24 known as relevant conduct. So do you understand that I
25 will be able to take all of this other information into

1 consideration at the time of sentencing and that I will
2 not be limited to focusing solely on your acts as it
3 relates to Count One?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Watts, is your decision to
6 plead guilty voluntary and is it based entirely upon
7 your own free will because you are, in fact, guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you fully understand that by
10 pleading guilty, you will be deemed convicted of the
11 charge in Count One just as if you had taken the matter
12 to trial and a jury found you guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And do you understand that if you
15 plead guilty that there is a certain finality that
16 attaches to that and that you can't simply wake up
17 tomorrow morning and decide that you've changed your
18 mind and come back to me and ask to withdraw your guilty
19 plea? Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that that's not
22 how it works?

23 THE DEFENDANT: Yes, sir, I do.

24 THE COURT: And more specifically, if at the
25 time of sentencing the Court were to impose a sentence

1 that is more severe than what you and/or Mr. Alfaro
2 might be estimating or projecting that you can't come
3 back after sentencing and say, well, if I had known I
4 was going to get that harsh of a sentence, I never would
5 have pled guilty; I'd like to withdraw my guilty plea.
6 It doesn't work that way, and you won't be allowed to do
7 that. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. One of the last things
10 that we need to do, Mr. Watts, is I need to be sure that
11 you admit to the facts that make you guilty of Count
12 One, and the way that we will do that is I'm going to
13 ask the government's attorney to state the facts that
14 the government could prove if this matter were to
15 proceed to trial.

16 In effect, Mr. Roberts is going to be reciting
17 the same facts that are set forth in the factual basis
18 of your plea agreement, which is contained within
19 Paragraph 4 of the plea agreement. And you're certainly
20 welcome to follow along as Mr. Roberts reads, but I'd
21 like to emphasize that you should listen very closely to
22 Mr. Roberts because when he is finished, I'm going to
23 ask you whether or not you agree with and admit to each
24 of the facts that he stated.

25 You may proceed.

1 MR. ROBERTS: Thank your Honor.

2 On or about October of 2012, special agents
3 with the Homeland Security office in San Antonio, Texas,
4 began investigating the sexual abuse of a minor
5 Marshallese male living in Northwest Arkansas by the
6 defendant, Shilo Watts.

7 Based on this investigation, Homeland Security
8 agents were able to determine that Watts had lived in
9 the Marshall Islands for several years and had helped
10 bring several young males to the United States. The
11 males were subsequently contacted by law enforcement and
12 interviewed.

13 On or about February 7, 2013, one such
14 Marshallese minor, namely John Doe Number 1, told law
15 enforcement that Watts had began performing oral sex on
16 him when he was in the Marshall Islands and continued
17 after he relocated to the United States.

18 Specifically John Doe Number 1 stated that
19 between 2008 and 2012, when he was living in Springdale,
20 Arkansas, Watts would drive up from his home in Texas
21 and pick him and other Marshallese boys -- pick him up,
22 as well as other Marshallese boys. He would thereafter
23 transport the minors from Springdale in the Western
24 District of Arkansas to his or his family's residence in
25 the State of Texas.

1 During one such trip in 2009, Watts picked him
2 up in Springdale and transported him to New Braunfels,
3 Texas where he performed oral sex on him. At the time
4 he was 14 years of age.

5 On January 28, 2014, Watts was interviewed by
6 law enforcement. During said interview, Watts admitted
7 to being in the Marshall Islands in 2005 to 2006. He
8 further admitted to performing oral sex on John Doe
9 Number 1 while there. He also stated that he helped
10 John Doe Number 1 relocate from the Marshall Islands to
11 Northwest Arkansas.

12 Moreover, Watts stated between 2008 and 2012,
13 he, on several occasions, transported several of the
14 Marshallese minors from Northwest Arkansas back to
15 Texas. During one said trip, Watts admitted to engaging
16 in sexual acts with John Doe Number 1 in New Braunfels,
17 Texas.

18 During the relevant time periods, pursuant to
19 Arkansas Code Annotated Section 514.127, which is sexual
20 assault fourth degree, it is prohibited for an
21 individual over the age of 20 to engage in sexual
22 contact with a minor less than 16 years of age.

23 For the record, your Honor, Texas law set out
24 at Texas Penal Code Section 22.011, which is sexual
25 assault, also prohibits the sexual contact described in

1 this plea agreement. Additionally Texas Penal Code
2 Section 22.11, which is indecency with a child, likewise
3 prohibits said conduct.

4 Based on these statements of the victim, along
5 with corroborating evidence obtained by law enforcement,
6 and based on the defendant's own statement, the
7 government could prove that the defendant in this case
8 knowingly transported a minor in interstate commerce
9 with the intent to engage in criminal sexual activity.

10 Thank your Honor.

11 THE COURT: All right. Thank you, Mr. Roberts.

12 Mr. Watts, do you understand that the facts as
13 recited just now by Mr. Roberts are the facts that the
14 government contends it could prove if this matter were
15 to proceed to trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And are those facts indeed true?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you agree that the
20 government could prove those facts if the matter
21 proceeded to trial?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Alfaro, do you agree with and
24 concur with and stipulate with Mr. Roberts that the
25 actions stated in the factual predicate would be a

1 violation of Texas Penal Code 22.011 and 22.11?

2 MR. ALFARO: I do, your Honor.

3 THE COURT: And do you likewise agree that the
4 government could prove the facts as Mr. Roberts has
5 recited if this matter were to proceed to trial?

6 MR. ALFARO: Yes, your Honor.

7 THE COURT: Very well.

8 Mr. Watts, with all that we have discussed and
9 explained today, including your constitutional rights
10 that you would be forgoing and the statutory minimum and
11 maximum penalties that you would be facing, I'm now
12 going to ask you, how do you plead to the charge set
13 forth in Count One of the indictment for transporting a
14 minor with intent to engage in sexual activities, in
15 violation of federal law as set forth in Count One of
16 the indictment: Guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: All right. Thank you very much,
19 sir. It's going to be the findings of the Court in this
20 matter, number one, that Mr. Watts is fully competent
21 and capable of entering an informed plea; number two,
22 that Mr. Watts is aware of the nature of the charge and
23 the consequences of his guilty plea; and number three,
24 that the plea of guilty is a knowing and voluntary plea
25 supported by an independent basis in fact containing all

1 of the essential elements of the offense. Therefore,
2 the guilty plea will be accepted and Mr. Watts is now
3 adjudged guilty and stands convicted of the offense
4 charged in Count One.

5 Further, the Court is going to express
6 tentative approval of the plea agreement but, Mr. Watts,
7 I'm going to withhold final approval until such time as
8 I have been informed by the results of the presentence
9 investigation.

10 Mr. Thompson, I would commission the
11 presentence investigation at this time and ask that you
12 conduct that investigation and report your findings to
13 counsel and the Court.

14 It would appear that the defendant waived the
15 issue of detention at his arraignment before Judge
16 Setser and that a detention order is, therefore, in
17 effect and that will remain in effect and, Mr. Watts,
18 you're going to be remanded to the custody of the United
19 States marshal pending sentencing.

20 It typically takes about 90 to 120 days or so
21 to complete the investigation and to give time for the
22 attorneys to file their objections and that sort of
23 thing. So we'll see you back here probably in about
24 four months.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is there anything further?

2 MR. ROBERTS: No, your Honor. Thank you.

3 THE COURT: Mr. Alfaro?

4 MR. ALFARO: No, your Honor.

5 THE COURT: All right. Very well. We're
6 adjourned.

7 (Proceedings concluded at 11:10 a.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Dana Hayden, Federal Official Realtime Court Reporter, in and for the United States District Court for the Western District of Arkansas, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 22nd day of June 2016.

Dana Hayden, CCR, RMR, CRR
Federal Official Court Reporter

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